

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/756,503	SOUROUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Blanche Wong	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 23, 2006.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>Jun'06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                        |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____.                                                                   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer K. Stewart (Reg No. 53,639) on June 26, 2006.

The application has been amended as follows:

1. (Currently Amended) A channel allocation method for a CDMA communications network comprising:

establishing a preferred group of spreading codes and a non-preferred group of spreading codes;

determining a ~~mobility~~ Doppler frequency of a user of said CDMA communications network; and

assigning said user a spreading code selected from one of said preferred group of spreading codes and said non-preferred group of spreading codes based on said user's ~~mobility~~ Doppler frequency.

2. (Currently Amended) The channel allocation method of claim 1 wherein determining said ~~mobility~~ Doppler frequency of said user of said CDMA communications network comprises determining a Doppler frequency of a channel used by said user.

10. (Currently Amended) A base station in a CDMA communications network comprising:

a base transceiver system comprising at least one transceiver for communicating with mobile terminal; and

a base station controller configured to establish a preferred group of spreading codes and a non-preferred group of spreading codes and to assign spreading codes selected from one of said preferred and non-preferred groups of spreading codes to users of said CDMA communications network, wherein said base station controller is operative to determine a ~~mobility~~ Doppler frequency of users of said CDMA communications network, and to assign a spreading code selected from at least one of said preferred and non-preferred groups of spreading codes to at least one of said users based on said at least one user's ~~mobility~~ Doppler frequency.

11. (Currently Amended) The base station according to claim 10 wherein said base station controller determines said ~~mobility~~ Doppler frequency of said users by determining a Doppler frequency of channels used by said users.

19. (Currently Amended) A method of managing channels in use by one or more mobile terminals in a CDMA communications system, said method comprising:

establishing a preferred set of spreading codes and a non-preferred set of spreading codes;

assigning users to at least one spreading code selected from said preferred set of spreading codes if available; and

assigning selected users to at least one spreading code selected from said non-preferred set of spreading codes when a demand for spreading codes exceeds the number of spreading codes in said preferred set of spreading codes, wherein said users assigned non-preferred spreading codes are selected base on a ~~mobility~~Doppler frequency of said users.

20. (Currently Amended) The method of claim 19 further comprising determining ~~mobility~~Doppler frequency of users by determining a Doppler frequency of channels used by said users.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

BW  
June 26, 2006



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